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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 10/734,912 | 12/09/2003 | Shin-Jen Wang | BP3035.S7-P3 | 2409 |
| 54826 | 7590 | 08/16/2006 | EXAMINER | |
| SALLY CHANG | | | AFZALI, SARANG | |
| 7F, NO. 3, ALLEY 32, SEC. 6 CHUNG-HSIAO EAST RD. | | | ART UNIT | |
| TAIPEI, TAIWAN, R.O.C. 115 | | | PAPER NUMBER | |
| TAIPEI, 115 | | | 3726 | |
| TAIWAN | | | DATE MAILED: 08/16/2006 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/734,912

Applicant(s)

WANG, SHIN-JEN

Examiner

Sarang Afzali

Art Unit

3726

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____
13. ☐ Other: _____


DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER

Continuation of 11, does NOT place the application in condition for allowance because:

The arguments presented by the Applicant on 7/26/2006 have been considered but are not persuasive.

The English translations of cited foreign patents on an IDS Form 1492 on 7/26/2006 is accepted.

The Applicant supposedly argues eight main points and goes on to describe what the applied prior art of Norvell ('616), Press ('214), Klein ('922) and newly introduced prior art (by the applicant) of US 3,953,566, US 7,048,966, US 6,676,534, and US 6,579,403 are teaching in order to refute and object to the rejections of claims 9, 10, 12-15 and 20-26 in action mailed on 6/19/2006 and concludes that "it is apparent that the instant invention is to provide a more environmental friendly solution for the user's reference and furthermore, as we know that the cite prior art may has features of the present invention for comparing the novelty and inventive step of the present invention and that it is now believed that the subject Patent Application has been placed in condition for allowance." (Remarks, page 14, lines 1-6).

The Examiner would still find the Applicant's arguments not persuasive and as pointed out in both office actions mailed on 1/23/2006 and 6/19/2006, the prior art of Norvell, Press and Klein are all analogous arts and they all teach process of making waterproof zippers. The Applicant is also claiming a process of making a waterproof zipper. The Applicant recites what some of the prior art references teach and concludes that they are different from what the Applicant believes the main inventive steps of his invention are as cited in the specification without arguing whether the cited prior art meets the limitations as claimed. The Examiner would like to point out that Applicant is arguing about aspects of his invention that are not being claimed. The Applicant is claiming a series of process steps in making a waterproof zipper and the prior art in combination is teaching those claimed limitations. The Examiner relies on different prior art references to teach certain steps cited in the rejection of the claims therefore does not expect each of the prior art references to teach every single limitation as claimed by the Applicant.

Furthermore, the Applicant still needs to amend the claims in order to overcome the rejection of claims 9, 10, 12-15 and 20-26 under the 35 U.S.C. 103(a) and 35 U.S.C.112, second paragraph for lack of antecedent basis and furthermore, as noted in the office action mailed on 6/27/2006, the Applicant is urged to amend the claims in order to clearly define the broad limitations of steps (d) reciting a drying step and step (e) reciting a heating steps as two separate steps. It is not enough for the Applicant to explain in his argument that these are separate steps, since the claim language reads broadly and can be read that both steps can be done in one heating step as claimed.